



# City of San Antonio

## Agenda Memorandum

**File Number:**17-6327

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**Agenda Item Number:** 9.

**Agenda Date:** 11/21/2017

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z2017290 CD

(Associated Plan Amendment 17088)

**SUMMARY:**

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**Requested Zoning:** "C-2 CD AHOD" Commercial Airport Hazard Overlay District with Conditional Use for Motor Vehicle Sales

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 21, 2017. This case is continued from the November 7, 2017 Zoning hearing.

**Case Manager:** Daniel Hazlett, Planner

**Property Owner:** KMA Development Group, LLC

**Applicant:** Majid Mahrafza

**Representative:** Kevin Estajlou

**Location:** 6811 San Pedro Avenue

**Legal Description:** East 186.59 feet of Lot 12, NCB 10102

**Total Acreage:** 0.4506

**Notices Mailed**

**Owners of Property within 200 feet:** 14

**Registered Neighborhood Associations within 200 feet:** North Shearer Hills Neighborhood Association, Shearer Hills/Ridgeview Neighborhood Association

**Applicable Agencies:** None.

### **Property Details**

**Property History:** The subject property was annexed and zoned "F" Local Retail District by Ordinance 12611, dated August 31, 1950. The "F" converted to "B-1" Business District with the adoption of the 1965 Unified Development Code (Ordinance 33412, dated June 28, 1965). The subject property was rezoned from "B-1" to "B-2" Business District by Ordinance 35668, dated August 17, 1967. The subject property converted from "B-2" to the current "C-2" Commercial District with the adopted of the 2001 Unified Development Code (Ordinance 93881, dated May 3, 2001).

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a flood plain.

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "R-4", "C-2"

**Current Land Uses:** Single Family Residences, Strip Mall

**Direction:** East

**Current Base Zoning:** "C-2"

**Current Land Uses:** Hotel

**Direction:** South

**Current Base Zoning:** "C-2"

**Current Land Uses:** Mattress Store

**Direction:** West

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single Family Residences

### **Overlay and Special District Information:**

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

### **Transportation**

**Thoroughfare:** San Pedro Avenue

**Existing Character:** Primary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** Linda Drive

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Thoroughfare:** Oblate Drive

**Existing Character:** Local Street

**Proposed Changes:** None Known

**Public Transit:** Via bus routes 3, 4, and 204 are within walking distance of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:**

The minimum parking requirement for Motor Vehicle sales is 1 parking space per 500 square feet gross floor area of sales and service building.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject properties retaining the present zoning district designation of “C-2”, which allows car washes, minor automobile repair and service, amusement establishments, theaters, arcades, fitness centers, plant nurseries, paint and wall paper stores, gasoline stations with repair service, fix-it shops, community shopping centers, small motels; low to mid rise office buildings; no outdoor storage or display of goods except for outdoor dining.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The subject property is within a ½ of a mile of the Greater Airport Area Regional Center and the San Pedro Avenue Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The subject property is located within the North Central Community Plan and is currently designated as “Neighborhood Commercial” in the future land use component of the plan. The requested “C-2” base zoning district is not consistent with the future land use designation. The case has an associated Plan Amendment to change the future land use from “Neighborhood Commercial” to “Community Commercial”. Staff recommends Denial of the Plan Amendment. The Planning Commission continued the case to November 13, 2017.

**2. Adverse Impacts on Neighboring Lands:**

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed rezoning to “C-2 CD” for the development of a Motor Vehicle Sales office has the potential of negatively impact the neighboring properties. Particularly the residential property directly abutting the subject property to the rear.

**3. Suitability as Presently Zoned:**

The current “C-2” base zoning is not consistent with the surrounding area and established development of the San Pedro Avenue Corridor; however the future land use designation of “Neighborhood Commercial” is incompatible with the base zoning.

#### **4. Health, Safety and Welfare:**

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The zoning change will not pose a threat to the health, safety, or welfare of the residents within the area.

#### **5. Public Policy:**

The rezoning request appears to conflict with the following land use goals and objectives of the North Central Community Plan.

The North Central Community Plan Goals and Objectives:

- GOAL 1: Support and promote business and employment development along the commercial corridors that provide for a healthy business climate while supporting the needs of the North Central Neighborhoods Community by aesthetically and environmentally reinforcing their community cultural identity and providing an attractive destination for visitors and shoppers from around the city.
- GOAL 2: Encourage the establishment of neighborhood-friendly businesses along the commercial corridors that promote pedestrian accessibility.
- Objective 2.1: Initiate comprehensive rezoning on the southern end of San Pedro Avenue and Blanco Road between Hildebrand and Basse Rd. to discourage higher intensity uses.

#### **6. Size of Tract:**

The subject properties measure approximately 0.4506 of an acre, which should reasonably accommodate a small Motor Vehicle Sales office.

#### **7. Other Factors:**

The purpose of the Conditional Use is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but which may under the right set of circumstances and conditions be acceptable in certain specific locations.

Should City Council approve the rezoning, staff recommends the following conditions:

1. No outdoor amplification speakers permitted.
2. Downward Lighting.
3. No temporary signs, no pennant flags, no feather flags, and no streamers or strings.